

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TARA MELLINGER,

Plaintiff,

v.

KENNETH BRAITHWAITE,

Defendant.

CASE NO. C18-5838 BHS

ORDER REQUESTING RESPONSE
AND RENOTING DEFENDANT'S
MOTION FOR
RECONSIDERATION

This matter comes before the Court on Defendant Kenneth Braithwaite's ("Navy") motion for reconsideration seeking clarification. Dkt. 45.

On July 31, 2020, the Court denied the Navy's motion for summary judgment on Plaintiff Tara Mellinger's ("Mellinger") employment discrimination and retaliation claims. Dkt. 44. On August 14, 2020, the Navy filed a motion for reconsideration stating that the parties disagree whether Mellinger may pursue her retaliation claim based on her termination. Dkt. 45. The Navy argues that the Court may have made a mistake in denying the motion for summary judgment instead of granting it in part and denying it in part because the Court concluded that Mellinger failed to submit sufficient evidence of pretext on her retaliation claim based on her termination. *Id.* It appears that the Navy is

1 correct. *See* Dkt. 44 at 27 (“either Austin’s decision to report Mellinger to security and
2 the resource department or the termination itself may constitute an adverse employment
3 action for the purposes of a retaliation claim”), 29 (“the Court agrees with the Navy that
4 Mellinger cannot establish that the decision to terminate her was pretextual.”), 31 (“the
5 Court finds a question of fact as to pretext [on Austin’s decision] by the narrowest of
6 margins.”). The Court, however, may not grant a motion for reconsideration without
7 allowing the opposing party an opportunity to respond. Local Rules W.D. Wash. LCR
8 7(h)(3). Therefore, the Court requests a response from Mellinger, which may be filed no
9 later than August 25, 2020. The Navy may file a reply no later than August 28, 2020, and
10 the Clerk shall renote the motion for reconsideration for consideration on the Court’s
11 August 28, 2020 calendar.

12 **IT IS SO ORDERED.**

13 Dated this 14th day of August, 2020.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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